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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA,)	No. 4-13-70494-MAG
)	
14 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER TO CONTINUE PRELIMINARY
15 v.)	HEARING AND EXCLUDE TIME
)	UNDER THE SPEEDY TRIAL ACT AND
16)	RULE 5.1
17 AHUIZOTL MENDOZA-BAHENA,)	
)	
18)	
Defendant.)	
19)	

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21 An arraignment or preliminary hearing is currently scheduled in the case on July 17,
22 2013, at 9:30 a.m. With the agreement of the parties, and with the consent of the defendant, the
23 Court enters this order scheduling an arraignment or preliminary hearing date of July 30, 2013 at
24 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the
25 preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time
26 under the Speedy Trial Act, 18 U.S.C. § 3161(b), from July 17, 2013 to July 30, 2013. The

Stip. Req. to Continue Preliminary Hearing and
Exclude Time, No. 4-13-70494-MAG

1 government recently turned over additional discovery and the parties are meeting and conferring
2 regarding resolving the case pursuant to a plea agreement. Therefore, the parties agree, and the
3 Court finds and holds, as follows:

4 1. The defendant is in custody.

5 2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C.
6 § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into
7 account the exercise of due diligence.

8 3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
9 preliminary hearing.

10 4. Counsel for the defense believes that postponing the preliminary hearing is in his
11 client's best interest, and that it is not in his client's interest for the United States to indict the
12 case during the normal 21-day timeline established in Rule 5.1.

13 5. The Court finds that, taking into the account the public interest in the prompt
14 disposition of criminal cases, these grounds are good cause for extending the time limits for a
15 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,
16 the Court finds that the ends of justice served by excluding the period from July 17, 2013 to July
17 30, 2013, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C.
18 § 3161(h)(8)(A).

19 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
20 hearing date before the duty magistrate judge on July 30, 2013, at 9:30 a.m., and (2) orders that
21 the period from July 17, 2013 to July 30, 2013, be excluded from the time period for preliminary
22 hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations

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1 under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

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3 IT IS SO STIPULATED:

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5 DATED: July 15, 2013

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/S/
AARON D. WEGNER
Assistant United States Attorney

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8 DATED: July 15, 2013

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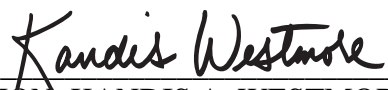
/S/
JOHN PAUL REICHMUTH
Counsel for defendant

10 IT IS SO ORDERED.

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July 15, 2013

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HON. KANDIS A. WESTMORE
United States Magistrate Judge

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